

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Access 4 All, Inc., a Florida not-for-profit corporation, and Felix Esposito, Individually,

Plaintiffs,

v.

GSH LODGING, LLC, a Delaware Limited Liability Company,

Defendant.

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* CASE NO.: 1:04-cv-12238
*
* **MOTION TO ALLOW PLAINTIFF'S
COUNSEL TO APPEAR
TELEPHONICALLY AT THE
SCHEDULING CONFERENCE, OR
ALTERNATIVELY, TO POSTPONE
SCHEDULING CONFERENCE SET FOR
FEBRUARY 14, 2005**

COME NOW, the undersigned attorneys for the Plaintiffs, and respectfully move this Court pursuant to Local Rule 40.3(a) for good cause to allow Plaintiffs' counsel to appear telephonically at the scheduling conference, or in the alternative, to postpone the scheduling conference and as grounds therefor state the following:

1. Counsel for the Plaintiff has its principal place of business in Miami, Florida, although one of its attorneys involved in this case is licensed to practice law in the United States District Court for the District of Massachusetts.

2. Counsel for Plaintiffs, Tracie L. Dickerson, practices from the firm's Miami office and is scheduled to be in Boston from March 12, 2005 through March 19, 2005. One purpose of this trip is to appear at a mutually agreed to inspection of the property that is the subject matter of this lawsuit. Ms. Dickerson, if admitted Pro Hac Vice or Mr. Fuller may be able to attend a scheduling conference on Wednesday, March 16 or Friday, March 18, 2005 in the late afternoon.

3. It would be great expense for Ms. Dickerson or Mr. Fuller to fly to Boston for the scheduling conference currently set for February 14, 2005.

4. Counsel for Plaintiffs and Defendant have agreed on and submitted a Proposed Joint Scheduling Order to the Court on January 27, 2005.

5. The undersigned certifies that there has been confirmation with opposing counsel who has stated that he has no objection to the requested relief set forth herein by the Plaintiffs.

Respectfully submitted,

FULLER, FULLER & ASSOCIATES, P.A.
Attorneys for Plaintiffs
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By O. Oliver Wragg, Esq.
O. Oliver Wragg, Esq. (643152)

with express permission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to Timothy J. Grande, Esq. & Patrick C. Summers, Esq., Mackall, Crounse & Moore, PLC, 1400 AT&T Tower, 901 Marquette Avenue, Minneapolis, MN, 55402-2859; and David Rosenthal, Esq., Nixon Peabody, LLP, 101 Federal Street, Boston, MA 02110-1832.

On this 7 day of February, 2005.

Olive Wagg, Esq.
with Express
per memo

3626/M-Appear Telephonically to Scheduling Conf.wpd